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OFFICE OF PETITIONS

In re Application of :
Drory et al. :
Application No. 10/814,579 : DECISION GRANTING PETITION
Filed: 31 March, 2004 :
Attorney's Docket No. 200315226-1 :
NUHP:0240/FLE

This is a decision on the petition filed on 12 July, 2004, to accord the above-identified application a filing date of 31 March, 2004, with four (4) sheets of drawings as a part of the original disclosure.

On 31 March, 2004, the application was filed. Accordingly, on 14 June, 2004, Initial Patent Examination Division mailed a "Notice of Incomplete Nonprovisional Application" stating that the application had not been accorded a filing date because the application had been deposited without drawings. A two (2)-month period for reply was set.

In response, on 12 July, 2004, the present petition was filed, accompanied by four (4) sheets of drawings. Petitioners argue that four (4) sheets of drawings were present among the application papers filed on 31 March, 2004. In support, petitioners have supplied a copy of an itemized postcard receipt bearing the application number of the present application and an "Office date" of 31 March, 2004, identifying the application by first named inventor's name and attorney docket number and itemizing the filing of "three (3) sets of formal drawings".

A review of the official file reveals that no sheets of drawings are located among the application papers received in the Office on 31 March, 2004. However, the evidence is convincing that the application as filed did contain drawings. The application, therefore, is entitled to a filing date of 31 March, 2004, with

four (4) sheets of formal drawings as a part of the original disclosure.

The Notice mailed on 14 June, 2004, is withdrawn.

Petitioners are advised, in future filings, that the postcard should itemize the number of sheets and figures of drawings filed. If some but not all of the drawing figures are received, a postcard that does not itemize the number of sheets and figures that were filed, the postcard will not serve as prima facie evidence that the omitted figures were among the application papers filed.

The fee of \$130.00 paid with the present petition has been refunded to counsel's deposit account, No. 08-2025.

The application will be processed and examined using the four (4) sheets of drawings filed with the present petition.

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of 31 March, 2004, using the application papers filed on that date and the four (4) sheets of drawings filed with the present petition.

Telephone inquiries specific to this matter should be directed to the undersigned at 703 308-6918.



Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND

1 Date of Request: 8/13/04

2 Serial/Patent # 10814529

3 Please refund the following fee(s):

4 PAPER
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5 DATE
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6 AMOUNT

Filing

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08--2025

10 REASON:

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